

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIKA SLUSAR,

Plaintiff,

v

ALAN E. HARFF *State Constable, in his individual
capacity and* **BERNARD J. SESTILI, JR,**

Defendants.

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MEMORANDUM ORDER

Pending before the Court is PLAINTIFF’S EMERGENCY MOTION TO COMPEL PENN HILLS POLICE DEPARTMENT TO PRODUCE DOCUMENTS RESPONSIVE TO PLAINTIFF’S JULY 3, 2012 SUBPOENA DUCES TECUM (ECF No. 158) filed by Plaintiff Erica Slusar (“Slusar”). Defendant Bernard J. Sestili (“Sestili”) filed a response in opposition, and Slusar filed a supplement. The motion may be resolved without a response from Penn Hills.

Trial is scheduled to commence on October 28, 2013. Plaintiff now asks the Court to compel a non-party, the Penn Hills Police Department, to produce documents that were initially requested by subpoena duces tecum over fifteen months ago, on July 3, 2012. Sestili opposes such discovery as untimely.

Discovery in this contentious civil rights case was initially scheduled to close in June 2012, but the Court granted Plaintiff’s motions to extend the cut-off date to August 13, 2012, and then to September 17, 2012. The Case Management Order provides, in relevant part:

All interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be completed and depositions taken prior to the close of discovery.

Thus, the parties were on notice that discovery would not be permitted beyond the court-ordered deadline. Although both sides filed numerous motions to compel further discovery, Slusar did not timely raise the instant issue regarding the Penn Hills employment file of Sestili. By Order dated September 19, 2012, the Court declared discovery to be closed. Well over a year has elapsed and Plaintiff has provided no justification for the lengthy delay.

In accordance with the foregoing, PLAINTIFF'S EMERGENCY MOTION TO COMPEL PENN HILLS POLICE DEPARTMENT TO PRODUCE DOCUMENTS RESPONSIVE TO PLAINTIFF'S JULY 3, 2012 SUBPOENA DUCES TECUM (ECF No. 158) is **DENIED**.

SO ORDERED this 8th day of October, 2013.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge

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